

JULY 26, 1966

Mr. Saltonstall Sweden
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REFERRAL OF BILLS AND
RESOLUTIONS

Mr. SALTONSTALL. Mr. President, I thank the majority leader for giving me this opportunity. I shall be very brief.

Mr. President, I submit, for appropriate reference, a resolution to provide that all original bills or resolutions proposed to be reported shall be introduced and referred to the appropriate Senate committee before being placed on the Calendar of Business. I do so in light of the situation which recently developed on the floor when the chairman of the Foreign Relations Committee reported an original resolution from that committee and asked for its consideration, without its having been referred to the Armed Services Committee, which has jurisdiction over the subject matter involved.

In response to a question first raised by the senior Senator from Rhode Island

[Mr. PASTORE] the Vice President said that had the resolution been introduced in the customary way, it would have been referred to the Armed Services Committee. He emphasized, however, that this was his informal opinion given to a hypothetical question. Later, as a result of a point of order made by the senior Senator from Georgia [Mr. RUSSELL] when the question arose of whether the resolution as reported from the Foreign Relations Committee had to be referred to the Armed Services Committee, the Vice President ruled that there was no precedent, and left the matter to the Senate to decide.

--I think the Senate made the proper decision in that instance, but I do not believe it should be faced with such a question again. As it now stands, the precedent is that the matter should be referred to the Senate for a vote. I think the issue involved in that situation is too important to be left unclear. It should be spelled out in the rules. We know that in instances such as the one recently before us, the House of Representatives has procedures which would prevent the floor action proposed by the supporters of the original resolution. I do not believe this matter should be left open to doubt in this body, either.

I believe that my resolution will be helpful. If a committee is allowed to extend its jurisdiction into areas traditionally within the jurisdiction of other committees, all subjects may be "up for grabs," so to speak. No committee can feel secure that the jurisdiction it possesses today will not have to be shared tomorrow with another committee which asserts its desire to extend its traditional jurisdiction to cover other subjects. This could be done without hearings and without providing an opportunity to consider the views of the committees which traditionally have had jurisdiction over the subject in question. There would, of course, be an opportunity for discussion on the Senate floor, but such matters should first be given careful consideration with adequate opportunity for all interested parties to be heard.

My resolution would avoid problems by establishing regular—and I believe proper—procedures for considering original resolutions reported by committees as well as resolutions amended by striking out all after the enacting clause and inserting new language, the subject matter of which is predominantly within the jurisdiction of another committee. I hope that the Committee on Rules and Administration will be able to schedule hearings on the proposal this session. It may be that such hearings would reveal ways in which it can be modified and strengthened. I am concerned with the principle involved. I believe there should be a provision in the Senate rules to cover this matter. It should not be necessary for the Senate to vote up or down each original resolution reported by a committee which involves the jurisdiction of another committee. Nor is it the way to conduct the business of the Senate.

Mr. President, I hope the Committee on Rules and Administration will give me and those of us who are interested in this subject an opportunity to be heard.

I thank the majority leader for this opportunity to speak.

Mr. MANSFIELD. It is a pleasure, I say to my distinguished friend, the senior Senator from Massachusetts.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, will be printed in the Record.

The resolution (S. Res. 287) was referred to the Committee on Rules and Administration, as follows:

Resolved, That Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. All original bills or resolutions proposed to be reported shall be introduced and referred to the appropriate standing committee before being placed on the Calendar of Business. A proposed report on a bill or resolution with a committee amendment to strike out all after the enacting or resolving clause and insert in lieu thereof new language, the subject matter of which predominantly is within the jurisdiction of another committee, shall be referred to such other committee and reported therefrom before it shall be printed on the Calendar of Business for Senate consideration."